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Report/Article Title Memorandum: to Director, Office of Program and Management Operations Office of Catagorical Programs, from Director, Resource Recovery Division, OSWMP, with subject Changes Made in FEPCA Disposal Package, dated March 29, 1973

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Description Notes

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Changes Made in FEPCA Disposal Package

DATE: MAR 29 1973

FROM: Director, Resource Recovery Division, OSWMP

TO: Director, Office of Program and Management Operations
Office of Categorical Programs

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APR 16 AM

SOLID WASTES
PROGRAM

In response to review comments, the following changes have been made and incorporated in the FEPCA disposal package:

1. Action memo

a. Page 2, option (3), paragraph 3, was expanded to provide additional detail on the nature of proposed grants and contracts.

b. Page 4, paragraph 2, line 4 - "is" replaces "are."

2. Preamble

a. Page 3, lines 12 and 13 - delete "is obligated to," redundant

b. Page 3, line 20 - add "appropriate Regional" Administrator.

c. Page 4, line 8 - change "and experimental" to "or experimental"

d. Page 5, line 9 - change "effluents" to "emissions."

e. Page 5, line 16 - change "recognized" to "suggested" and "environmental" to "alternative."

f. Page 5, line 17 - delete "sound process. In addition" and add "However"

g. Page 5, line 18 - add "lead," after mercury.

h. Page 5, line 20 - add "in the soil," and "will retard mobility and contain"

i. Page 8, line 3 - add ", Section 2(p) of the same Act, and Section 204 of the Solid Waste Disposal Act (P.L. 89-272, as amended by P.L. 91-512)."

3. Proposed Regulations and Procedures

- a. Page 2, Sub-part D - insert hyphen between "Pesticide" and "Related"
- b. Page 4 - Expanded definition for "encapsulate"
- c. Page 6, line 1 - Add hyphen to "pesticide-related wastes"
- d. Page 6 - "pesticide incinerator" - delete reference to Clean Air Act Implementation Plans and special permits from State agencies. This now covered in 165.8(a)(i) page 15.
- e. Page 7 - Specially designated landfill - completely new definition, patterned after the California Class I landfill site regulations.
- f. Page 9, line 5 - add new reference to Solid Waste Disposal Act authority.
- g. Page 12, 165.3 line 2 - add "s" to registration
- h. Page 12, 165.4 line 1 "used by the owner"
- i. Page 13, 165.4(a) lines 2 and 3 - add "appropriate regional" and delete "or his designee."
- j. Page 13, 165.5 lines 2 and 3 - add "Regional" and delete "or his designee."
- k. Page 13, 165.6, line 1 - add "Regional"
- l. Page 13, 156.8 changed to 165.8
- m. Page 15, 165.8(a)(1) - beginning on line 5, changes made to relate incinerator emissions to performance regulations and standards adopted under sections 111 and 112 of the Clean Air Act.
- n. Page 16, 165.8(a)(2), lines 4 and 5 reworded to clarify purpose of records.
- o. Page 16, 165.8(a)(3), line 5 - delete "from the Administrator or his designee." and add (line 7) "Administrator."

- p. Page 16, 165.8(a)(4) - delete
- q. Page 17, 165.8(a) - (5) becomes (4); 165.8(a) - (6) becomes (5); line 5 - change "shall" to "should."; 165.8(a)(6) - new paragraph dealing with well injection, based on policy expressed in Administrator's Decision Statement No. 5 dated February 6, 1973 and received March 22, 1973.
- r. Page 18, 165.8(b)(4) moved to 165.8(b)(6) on page 19. 165.8(b)(5) becomes (4) and 165.8(b)(3) becomes (5).
- s. Page 19, 165.8(c)(2) - Add "Records sufficient to permit location for retrieval should be maintained."
- t. Page 26, 165.10(e), line 1 - practical changed to practicable to express the idea that such "appears to be the case, but has not been tested."
- u. Page 29, lines 10-14 deleted, and new procedure involving the Regional Administrator, appropriate Agency emergency response team, Coast Guard, and NACA added.
- v. Page 31 and 32 - hyphen inserted between "pesticide" and "related."

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Arsen J. Darnay